

ANDRE C. CAPELLA

IBLA 86-935

Decided October 29, 1986

Appeal from a decision of the California State Office, Bureau of Land Management, holding placer mining claim CA MC 169068 null and void ab initio.

Dismissed.

1. Appeals--Rules of Practice: Appeals: Dismissal--Rules of Practice:
Appeals: Statement of Reasons

A statement of reasons for an appeal that does not point out affirmatively why the decision appealed from is in error does not meet the requirements of the Department's rules of practice and may be dismissed. Conclusory allegations of error, standing alone, do not suffice to point out error.

APPEARANCES: Andre C. Capella, pro se.

OPINION BY ADMINISTRATIVE JUDGE KELLY

Andre C. Capella appeals from a decision of the California State Office, Bureau of Land Management (BLM), dated March 13, 1986, holding the A-7 placer mining claim null and void ab initio because it was located on lands withdrawn from location under the mining laws. The decision stated that Public Land Order No. 2729, dated July 17, 1962, and a Secretarial Order, dated January 15, 1942, precluded appellant's 1985 location. The claim at issue is situated in the W 1/2 SE 1/4 SW 1/4 sec. 24; N 1/2 NW 1/4 NW 1/4 sec. 25; and the E 1/2 NE 1/4 sec 26, T. 9 N., R. 10 E., Mount Diablo Meridian.

Appellant's entire statement of reasons on appeal is as follows: "Reason for Appeal[:] I deny allegation."

[1] Failure on appeal to point out affirmatively why the decision appealed from is in error may be treated in the same manner as an appeal in which no statement of reasons has been filed and the appeal may be dismissed. 43 CFR 4.402(a); United States v. Reavely, 53 IBLA 320 (1981); United States v. Coppridge, 17 IBLA 323 (1974); United States v. Whittaker, 12 IBLA 279 (1973). Conclusory allegations of error, standing alone, do not suffice. United States v. De Fisher, 92 IBLA 226 (1986). The statement of

reasons quoted above does not meet the requirements of the Board's rules requiring a statement of reasons because it points out no basis for appellant's belief that the decision appealed from is in error. Accordingly, the appeal is subject to dismissal.

Therefore, in accordance with the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the appeal is dismissed.

John H. Kelly
Administrative Judge

We concur:

Franklin D. Arness
Administrative Judge

R. W. Mullen
Administrative Judge

